

BOARD OF APPEALS
CITY OF WISCONSIN DELLS
MUNICIPAL BUILDING ~ 300 LACROSSE STREET
WISCONSIN DELLS, WI 53965
MAY 13, 2010

1. Chairperson Larry Neal called the meeting to order at 4:00P.M.

Present: Chairperson Larry Neal, Ben Borchert, Jesse Leichsenring, Adam Makowski,
Alternate member 1 Ron Newell and Alternate member 2 Joe Gussel

Excused Member(s): Tom Collins

Others: City Clerk-Treasurer Dale Darling, Admin. Deputy Clerk Nancy R. Holzem, Public Works Director Mike Horkan, Assistant Public Works Director Chris Tollaksen, Lawrence and Susan Marcoski, Brian Holzem, Robert Steinweg and Andy Steinke from the *Dells Events*.

Notice of the meeting had been given to the Dells Events, WNNO Radio and posted in accordance with State Statutes. Official Notice of the Public Hearing before the Board of Appeals was published in the *Dells Events* on May 1, 2010. Property owners within 300 feet were notified via mail by copy of the Public Hearing Notice indicating the Public Hearing date and variance requested. A packet of information detailing the request had been distributed to Board Members, Director of Public Works/Building Inspector, Council Members, the Appellant, the Assistant City Attorney and other interested persons by the City Clerk/Treasurer's office. No conflicts of interest were indicated by Board members. Alternate member 1 was used to take the place of absent member Tom Collins. Alternate member 2 was not needed. Chairperson Neal declared that a quorum of the Board of Appeals was present so the requested variance could be heard at this time.

2. Minutes of the February 7, 2007 meeting had been distributed to the Board of Appeals members by the City Clerk. It was moved by Borchert and seconded by Neal to approve the minutes as presented with no corrections. Motion carried unanimously.
3. Motion by Borchert seconded by Makowski to approve and adopt the revised Rules of Procedures for the Board of Appeals per Municipal Code sec. 19.224. Motion carried unanimously.
4. Chairperson Neal declared the Public Hearing open on a variance request received from Lawrence and Susan Marcoski. The petitioner has requested a 1 foot variance from Municipal Code sec. 6.04(6) and 22.26(3)(b) in order to construct an awning at 121 Broadway that would be at a height of 9 feet. Current ordinance requires that it be at a height of not less than 10 feet. The three standards required in order to grant a variance are the existence of unnecessary hardship, the presence of unique property limitations, and the protection of public interest.

Speaking on behalf of granting the variance was adjacent business owner and city alderperson Brian Holzem. He stated that the BID Committee reviewed this request and thought that they could approve it until it was pointed out that the current ordinance would have to be changed in order to allow it. In lieu of changing the ordinance the Legislative Committee suggested that Mr. Marcoski apply for a variance. Holzem stated that Marcoski runs a quality business and that currently there are other awnings at the height of 9' that cause no problems. Applicant Lawrence

Marcoski spoke on behalf of the variance stating that he can't comply with the minimum 10' ordinance requirement unless he infringes on the two business signs that he is in between. He stated that the awning would only project out 5' not the 6' as he originally proposed. He added that the awning was needed to protect his merchandise from the elements of the weather.

Chairperson Neal read into the record letters of support of the variance received from adjacent business owner Nancy L. Holzem (marked as Exhibit A), adjacent business owner Kevin Ricks (marked as Exhibit B), and Paul Olson, who owns the booth the Marcoski's lease from (marked as Exhibit C).

BID Committee member Robert Steinweg stated that he knows the value of having a canopy because of the sun and rain. He stated that he has no objections to this request as long as it does not become an accepted practice.

No one spoke against granting the variance. The Public Hearing was closed.

5. During discussion board member Makowski asked if there were posts for this canopy. Marcoski replied no. Chairperson Neal clarified with City Engineer Mike Horkan that the variance would stay with the property and not with Marcoski's if they would ever move to another location. Horkan stated that the variance was for the structure so it stays with the building. It was moved by Makowski seconded by Borchert to **approve the 1 foot variance requested** in order to construct the awning as presented, without any signage on it, at a height of 9 feet. Upon roll call vote the motion carried 5-0. Chairperson Neal declared the variance **approved**.
6. There were no items for referral.
7. Motion by Borchert seconded by Makowski to adjourn the meeting. Motion carried unanimously and the meeting adjourned at 4:20P.M.

Nancy R. Holzem
Admin. Deputy Clerk/Treasurer
Distributed: 05/14/2010